

Appln No. 10/647,076
Amdt date March 27, 2006
Reply to Office action of October 27, 2005

REMARKS/ARGUMENTS

In the Office action dated October 27, 2005, the examiner maintained the rejection of claims 1-4, 7 and 12-14 under 35 U.S.C. § 102(b) as allegedly anticipated by Weder, et al. (U.S. Patent No. 5,363,592). However, applicant has amended independent claims 1, 8 and 12 to recite a non-porous hydrophilic film of a material other than cellophane. Weder fails to teach or suggest such a feature. Rather, Weder discloses only the use of cellophane. Accordingly, independent claims 1, 8 and 12 are allowable over Weder.

The examiner also maintained the rejection of claims 5 and 6 under 35 U.S.C. § 103(a) as allegedly unpatentable over Weder. However, claims 5 and 6 both depend from independent claim 1, which is allowable over Weder as discussed above. In addition, the Rule 132 Declaration of Akihiro Okamoto submitted with the response to the last Office action evidences the unexpected results achieved by the use of non-porous films of a material other than cellophane. Specifically, the Declaration evidenced the smooth growth of the ruicola seedlings when polyester and polyvinyl alcohol films were used. Based on their dependency from now allowable claim 1, and the unexpected results documented in the previously submitted Declaration, claims 5 and 6 are allowable over Weder.

In addition, the examiner maintained the rejection of claims 8-11 under 35 U.S.C. § 103(a) as allegedly obvious over Sakai (JP 7-45169) in view of Weder. However, neither Weder nor Sakai teach or suggest a non-porous hydrophilic film of material other than cellophane to which substantially no hydrophobic film is superimposed, as recited in independent claims 1, 8 and 12. Specifically, Weder fails to disclose the use of a non-porous hydrophilic film of a material other than cellophane, and Sakai requires the use of a hydrophobic microporous film.

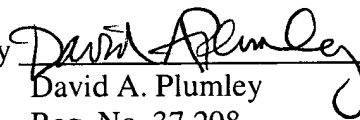
In maintaining the rejection over Sakai and Weder, the examiner asserts that the Rule 132 Declaration of Akihiro Okamoto submitted with the response to the last Office action is insufficient to overcome the rejection. The examiner argues that the Declaration does not present evidence commensurate in scope with the claims of the present application. However, the Declaration evidences the unexpected results achieved when a plant is disposed and

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cultivated in a container having a non-porous hydrophilic film to which substantially no hydrophobic film is superimposed. Sakai is concerned with the cultivation of plants in soil that is otherwise unsuitable for cultivation, such as soil containing seawater. As noted above, Sakai requires the use of a hydrophobic microporous film. The hydrophobic microporous film is used to prevent passage of harmful materials that may be present in seawater. According to Sakai, the removal of these harmful components is necessary for cultivation. Given the unexpected results using a non-porous hydrophilic film to which substantially no hydrophobic film is superimposed shown in the Okamoto Declaration, and the importance of the hydrophobic microporous film to the Sakai application, a person of ordinary skill in the art would recognize the qualitative differences between the claimed non-porous hydrophilic film and the microporous film disclosed in Sakai. Accordingly, applicant submits that the previously filed Rule 132 Declaration is sufficient to overcome the examiner's rejection over Sakai and Weder.

Claims 1-18 now remain pending in this application. Applicant has amended claims 1, 8 and 12-14, and added new claims 15-18. The amendments and new claims find full support in the original specification, claims and drawings. No new matter is presented. Applicant submits that all of pending claims 1-18, as amended, are in condition for allowance. New claims 15-18 depend from either independent claims 1, 8 or 12, and are allowable on that basis. Accordingly, applicant respectfully requests a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, applicant invites the examiner to contact applicant's counsel at the number indicated below.

Respectfully submitted,
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